



THE ATTORNEY GENERAL OF TEXAS

CRAWFORD C. MARTIN
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

January 25, 1967

Honorable Jack N. Fant
County Attorney
Room 201, City-County Building
El Paso, Texas 79901

Opinion No. M-14

Re: Construction of Section
15 of Article 5142b,
Vernon's Civil Statutes,
relative to the salary
to be paid the five
district judges in
El Paso County.

Dear Mr. Fant:

You have requested our opinion in the construction of
Section 15 of Article 5142b, Vernon's Civil Statutes. Your
specific question reads as follows:

"Is the Commissioners' Court compelled
to pay a minimum sum of \$3,900.00 per annum,
or can the Court exercise discretion and pay
nothing or any amount less than \$3,900.00 to
the five District Judges in El Paso County,
Texas, under Section 15 of Article 5142b,
V.A.T.C.S.?"

Section 15 of Article 5142b, Vernon's Civil Statutes,
reads as follows:

"The Judges of the several District and
Criminal District Courts who are members of
the juvenile board in such counties, on account
of the additional duties imposed on them, are
hereby allowed an additional compensation of
Three Hundred Twenty-five Dollars (\$325.00)
per month; and the County Judge in such counties,
on account of the additional duties imposed on
him, is hereby allowed an additional compensa-
tion of Seventy-five Dollars (\$75.00) per month.
The compensation herein provided for is to be
paid by the Commissioners Court in such counties
and is to be in addition to all other compensa-
tion now allowed by law to such officers. The
Commissioners Court, in its discretion, may also

allow each member of the juvenile board an increase in such additional compensation in an amount not to exceed One Thousand Dollars (\$1,000.00) per year, but any increase must be allowed uniformly for all members of the Board. Provided, however, that in counties coming under the provisions of this Act, the members of the juvenile board shall not receive any compensation under or by virtue of Acts of 1917, 35th Legislature, Chapter 16, page 27, (Article 5139), as amended." (Emphasis added.)

In construing similar provisions contained in Article 6819a-3, Vernon's Civil Statutes, as the provisions above emphasized in Section 15 of Article 5142b, Vernon's Civil Statutes, it was held in Attorney General's Opinion WW-610 (1959) that "...the Commissioners' Court is compelled under Section 2A of said S.B. 78 to pay \$2,900.00 annually, and such Court cannot exercise discretion and pay a lesser amount or nothing."

It is noted that Section 15 specifically provides that the judges "are hereby allowed an additional compensation of Three Hundred Twenty-five Dollars (\$325.00) per month" and that such compensation is to be paid by the Commissioners Court and is to be in addition to all other compensation now allowed by law to such officers. Such language is mandatory and is not discretionary. Hess and Skinner Engineering Co. v. Turney, 203 S.W. 593, 594 (Tex.Sup. 1918); Smitten v. State, 9 S.W. 112, 118 (Tex.Sup. 1888).

We therefore agree with your conclusion that the compensation of \$325.00 is to be paid by the Commissioners Court and that the sole discretion in the Commissioners Court is in allowing additional compensation in an additional amount not to exceed \$1,000.00 per year. You are accordingly advised that the Commissioners Court is compelled by the provisions of Section 15 of Article 5142b, Vernon's Civil Statutes, to pay a minimum of \$3,900.00 per annum to the judges of the several District and Criminal District Courts who are members of the juvenile board and such sum is to be in addition to all other compensation now allowed by law to such officers.

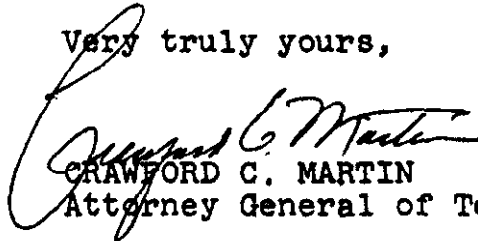
S U M M A R Y

The provisions of Section 15 of Article 5142b, Vernon's Civil Statutes, stating that the judges of the several District and Criminal District Courts who are members of the juvenile board are hereby allowed an additional compensation of \$325.00 per

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month is mandatory and the Commissioners Court
cannot exercise discretion and pay a lesser amount.

Very truly yours,



CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by John Reeves
Assistant Attorney General
JR:ra:mkh

APPROVED:
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